

Appendix 10

Transcript of the Testimony of
The Office of the Dallas County Elections Administrator

Date:

April 29, 2022

Case:

LA UNION DEL PUEBLO ENTERO vs GREGORY W. ABBOTT

1 Page 59.

2 A. Oh, okay. Here we go. Yes.

3 Q. And would you agree with me that the definition
4 of "vote harvesting services" requires an in-person
5 interaction with the voter?

6 A. Yes.

7 Q. And that interaction has to be in the physical
8 presence of an official ballot or a ballot voted by
9 mail?

10 A. Yes.

11 Q. And then there has to be the intent to deliver
12 votes for a specific candidate or measure?

13 A. Yes.

14 Q. Would you agree with me that if a canvasser
15 who's going house-to-house to encourage people to vote
16 for -- well, before I ask my question, I want to know
17 whether you have any bond issues on the ballot for
18 Dallas County for this May 7 election.

19 A. There's no Dallas County bond issues. There's
20 city bond issues, and I think there's some school --

21 Q. Some school --

22 A. -- district bond issues.

23 Q. -- or city?

24 A. Yeah.

25 Q. Okay. So I want to make my hypothetical

1 specific to that.

2 A. Okay.

3 Q. Somebody is going door-to-door canvassing
4 voters to encourage them to vote for the bond for the
5 school district.

6 A. Uh-huh.

7 Q. Their intent is to convince the voter to vote
8 for the bond because it means new schools, better
9 facilities. And the voter says, Sure, I'll talk with
10 you; I have my mail ballot right here; it's right --
11 it's right here inside the door. It's right here on the
12 kitchen table.

13 Would you agree with me that that would be an
14 in-person interaction with the voter, that -- that
15 canvassing, that conversation?

16 A. Yes.

17 Q. And would you agree with me that if the voter
18 said the ballot was right there, that that would mean in
19 the physical presence of the ballot?

20 A. I guess it --

21 MS. HUNKER: Objection, form.

22 A. -- depends on how you define physical presence.

23 Q. (By Ms. Perales) And would you agree with me
24 that the canvasser, who's urging to voter to vote for
25 the school bond, is intending to get the voter to vote

1 for the school bond?

2 A. Yes.

3 Q. Okay. And if the -- if the voter says, "Well,
4 I have -- I have the ballot right here," and it's let's
5 say within a foot or two of the voter, that would be in
6 the presence of the ballot?

7 MS. HUNKER: Objection, form.

8 A. I don't think that the statute defines -- and,
9 I mean, it could be in the same house, could be in the
10 same block.

11 Q. (By Ms. Perales) Uh-huh.

12 A. I mean, it's -- it's vague, so I -- I don't
13 know how to answer that question with specificity.

14 Q. Okay. Since we're very close to there, I would
15 like you to flip forward to Page 60, Line 15, which is a
16 section titled "Unlawful Solicitation and Distribution
17 of Application to Vote by Mail."

18 Do you see that there?

19 A. Yes.

20 Q. Do you understand this to be a prohibition on
21 you to send out to voters application for ballot by
22 mail --

23 A. Ye- --

24 Q. -- when they are not requested?

25 A. Yes.

1 Q. And when the language says "commits an
2 offense," do you understand that to be a criminal act?

3 A. Yes. I believe they go on to say the State
4 Jail Felony.

5 Q. Ye- -- and I imagine you -- you've become aware
6 of that language?

7 A. Yes. Uh-huh.

8 Q. Are you -- are you concerned that certain
9 things that your office might do or might have done in
10 the past would run afoul of this provision and possibly
11 create criminal liability for you?

12 MS. HUNKER: Objection --

13 A. Yes.

14 MS. HUNKER: -- form.

15 Q. (By Ms. Perales) Can you describe that for me?

16 A. We have, historically, distributed
17 applications, you know, when someone comes in and says,
18 "Hey, I want to provide application; you know, I want to
19 distribute applications for vote by mail," we provide
20 those to them.

21 Q. Uh-huh.

22 A. And we no longer can do that.

23 Q. Uh-huh. So if someone came to your office and
24 said, "I regularly go to church on Sundays, and we have
25 a great group of congregants; I'd love to bring 25